

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

A. W.,

Plaintiff,

v.

NEBRASKA MEDICAL CENTER, a Nebraska
non-profit corporation; and M.D. MARK
DIETRICH,

Defendants.

8:19-CV-342

ORDER

This case comes before the Court on the parties' Joint Motion for Approval of Settlement Agreement pursuant to the Nebraska Hospital-Medical Liability Act, [Neb. Rev. Stat. § 44-2801](#) et seq. [Filing 60](#); [Filing 60-1](#). Upon a preliminary review, the Court finds no issues with the proposed settlement agreement. However, [Neb. Rev. Stat. § 44-2833](#) states that after the filing of a proposed settlement agreement, “[t]he judge *shall* set the matter for trial as soon as practicable.” (Emphasis added.) At such a hearing, the parties “may introduce relevant evidence to enable the court to determine whether or not the settlement should be approved.” *Id.* Accordingly, the Court concludes it is required to hold a hearing on this matter. *See Filing 172 at 2, N.M.S. v. Ramsey, 8:16-CV-499 (D. Neb. June 19, 2019)* (concluding section 44-2833 requires the Court to hold a hearing prior to approving a settlement agreement under the Nebraska Hospital-Medical Liability Act).

The Act also requires the parties to serve a copy of a motion seeking approval of a settlement agreement “on the director [of insurance], the health care provider, and the health care provider’s insurer” in case these parties wish to intervene in the case. [Neb. Rev. Stat. § 44-2833](#). Accordingly, the parties are ordered to comply with section 44-2833’s service requirements and file a certificate of service with the Court.

The parties are instructed to communicate with courtroom deputy Kathy Rose at Kathy_Rose@ned.uscourts.gov or (402) 661-7351 by Friday, November 13, 2020, to coordinate the date and time for this hearing. The hearing will be held by video teleconference pursuant to this Court's [General Order 2020-14](#) regarding the ongoing coronavirus health situation. The parties are ordered to email all proposed exhibits to the courtroom deputy no later than two (2) business days prior to the hearing.

IT IS THEREFORE ORDERED:

1. The parties are ordered to serve a copy of the Joint Motion for Approval of Settlement Agreement in accordance with the requirements of [Neb. Rev. Stat. § 44-2833](#) and file a certificate of service with the Court;
2. The parties are ordered to contact the courtroom deputy to schedule a video teleconference hearing on the Joint Motion for Approval of Settlement Agreement, [Filing 60](#); and
3. The parties must email the exhibits they intend to offer to the courtroom deputy no later than two (2) business days prior to said hearing.

Dated this 10th day of November, 2020.

BY THE COURT:



Brian C. Buescher
United States District Judge